

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**

**JUN - 3 2016**

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

IN THE MATTER OF AN )  
APPLICATION OF THE UNITED )  
STATES OF AMERICA FOR A )  
WARRANT TO OBTAIN RECORDS, )  
LOCATION INFORMATION, )  
INCLUDING PRECISION LOCATION )  
INFORMATION, CELL SITE )  
INFORMATION, AND OTHER )  
SIGNALING INFORMATION )  
ASSOCIATED WITH THE CELLULAR )  
TELEPHONE HAVING THE NUMBERS )  
(636) 283-8769. )

No. 4:16 MJ 5166 NAB

**FILED UNDER SEAL**

**AFFIDAVIT**

Drew Polan, being duly sworn, deposes and says that he is a Deputy United States Marshal with the United States Marshals Service, duly appointed according to law and acting as such.

**Introduction**

I, Drew Polan, am a Deputy United States Marshal with the United States Marshals Service and, as such, I am charged with enforcing all laws in all jurisdictions of the United States, its territories and possessions. My current duty assignment is in the Eastern District of Missouri. My primary duty and assignment obligates me to apprehend state and federal felony fugitives. I have been employed as a Deputy United States Marshal for over eight (8) years, and have a cumulative total of more than ten (10) years of experience as a federal law enforcement officer.

The facts alleged in this affidavit come from my own investigation, my training and experience, and information obtained from other investigators and witnesses. As this affidavit is submitted for the limited purpose of establishing probable cause to locate and monitor the

location of a cellular telephone as part of a criminal investigation, it does not set forth all of the my knowledge regarding this matter.

Upon information and belief, and as explained in greater detail below, the AT&T cellular telephone bearing number (636) 283-8769 (hereinafter the "**subject cellular telephone**") has been used, and is presently being used, by Jason E. BIERMANN who is charged with Conspiracy to Distribute Methamphetamine, in violation of Title 21, United States Code, Section(s) 841(a)(1), in Case No. S-1 4:16 CR 00077 JAR (DDN), and whose whereabouts are currently unknown.

The present affidavit is being submitted in connection with an application of the Government for a warrant and order authorizing agents/officers of the investigative agency(ies), and other authorized federal/state/local law enforcement agencies, to obtain location information, including precision location information, cell site location information, and other signaling information, including pen register information, in an effort to locate and monitor the location of the **subject cellular telephone**.

Your affiant further states that there is probable cause to believe that the location information associated with the **subject cellular telephone** will lead to the location and arrest of **Jason E. BIERMANN**.

#### **Investigation and Probable Cause**

On April 6, 2016, in the Eastern District of Missouri, an arrest warrant was issued for BIERMANN, charging Conspiracy to Distribute Methamphetamine, in violation of federal law. Subsequently, the United States Marshals Service was directed to initiate a fugitive investigation into BIERMANN's whereabouts.

Additionally, on May 3, 2016 BIERMANN left the Residential Reentry Center facility in

Farmington, Missouri, without permission. BIERMANN had previously been ordered to the facility as part of a federal sentence. The United States Marshals Service immediately initiated an Escape investigation into BIERMANN's whereabouts.

On June 3, 2016, personnel from the United States Marshals Service developed information that BIERMANN was frequently staying with an individual (hereinafter referred to as "Confidential Source") in Franklin County, Missouri. An arrest team went to the Confidential Source's residence and determined BIERMANN was not present. The Confidential Source agreed to assist investigators from the United States Marshals Service and showed the investigators frequent phone conversations and messages between the Confidential Source and BIERMANN, who was using the **target cellular telephone**. The Confidential Source contacted BIERMANN on the **target cellular telephone** and the two agreed to meet at a gas station near Linn, Missouri. An arrest team travelled to the gas station and established surveillance of the area. Shortly thereafter, but before the Confidential Source and additional members of the arrest team arrived, a local law enforcement officer arrived at the gas station on an unrelated matter. Members of the surveillance team observed BIERMANN emerge from a pick-up truck parked at the gas station and run into a wooded area adjacent to the gas station. The arrest team gave chase but was unable to apprehend BIERMANN, who had fled into the wooded area. The arrest team made contact with the other occupant of the vehicle who told investigators BIERMANN had paid him for a ride to the gas station. The arrest team was able to ascertain that a .22 caliber pistol was missing from the truck, and was likely in BIERMANN's possession.

The source of your affiant's information and the grounds for his belief are based on your affiant's personal knowledge as well as information provided to your affiant by other agents and/or law enforcement officers assigned to the investigation. Information gathered in furtherance of

this order would be the most judicious and expedient method to locate and apprehend BIERMANN.

The investigation has clearly demonstrated that the **subject cellular telephone** is being used by **Jason E. BIERMANN** who is charged with Conspiracy to Distribute Methamphetamine, in violation of Title 21, United States Code, Section(s) 841(a)(1), in Case No. S-1 4:16 CR 00077 JAR (DDN), and whose whereabouts are currently unknown. It is critical that the investigative team be able to locate and monitor the movements of the **subject cellular telephone** thereby assisting in the location and arrest of **Jason E. BIERMANN**. Your affiant believes that the requested authorization would be a valuable asset in achieving the overall goals of the investigation.

#### **Investigative Considerations and Techniques**

Based on my knowledge, training, and experience, as well as information provided by investigators with specialized experience relating to cellular telephone technology, I am aware of the following facts and considerations:

A. Wireless phone providers typically generate and retain certain transactional information about the use of each telephone call, voicemail, and text message on their system. Such information can include log files and messaging logs showing all activity on a particular account, such as local and long distance telephone connection records, records of session times and durations, lists of all incoming and outgoing telephone numbers or other addressing information associated with particular telephone calls, voicemail messages, and text or multimedia messages.

B. Wireless phone providers also typically generate and retain information about the location in which a particular communication was transmitted or received. For example, when

a cellular device is used to make or receive a call, text message or other communication, the wireless phone provider will typically generate and maintain a record of which cell tower(s) was/were used to process that contact. Wireless providers maintain information, including the corresponding cell towers (i.e., tower covering specific geographic areas), sectors (i.e., faces of the towers), and other signaling data as part of their regularly conducted business activities. Typically, wireless providers maintain records of the cell tower information associated with the beginning and end of a call.

C. Because cellular devices generally attempt to communicate with the closest cell tower available, cell site location information from a wireless phone provider allows investigators to identify an approximate geographic location from which a communication with a particular cellular device originated or was received.

D. Wireless providers may also retain text messaging logs that include specific information about text and multimedia messages sent or received from the account, such as the dates and times of the messages. A provider may also retain information about which cellular handset or device was associated with the account when the messages were sent or received. The provider could have this information because each cellular device has one or more unique identifiers embedded inside it. Depending upon the cellular network and the device, the embedded unique identifiers for a cellular device could take several different forms, including an Electronic Serial Number ("ESN"), a Mobile Electronic Identity Number ("MEIN"), a Mobile Identification Number ("MIN"), a Subscriber Identity Module ("SIM"), an International Mobile Subscriber Identifier ("IMSI"), or an International Mobile Station Equipment Identity ("IMEI"). When a cellular device connects to a cellular antenna or tower, it reveals its embedded unique

identifiers to the cellular antenna or tower in order to obtain service, and the cellular antenna or tower records those identifiers.

E. Wireless providers also maintain business records and subscriber information for particular accounts. This information could include the subscriber's full name and address, the address to which any equipment was shipped, the date on which the account was opened, the length of service, the types of service utilized, the ESN or other unique identifier for the cellular device associated with the account, the subscriber's Social Security Number and date of birth, all telephone numbers and other identifiers associated with the account, and a description of the services available to the account subscriber. In addition, wireless providers typically generate and retain billing records for each account, which may show all billable calls (including outgoing digits dialed). The providers may also have payment information for the account, including the dates and times of payments and the means and source of payment (including any credit card or bank account number).

F. Providers of cellular telephone service also typically have technical capabilities that allow them to collect and generate more precise location information than that provided by cell site location records. This information is sometimes referred to as E-911 phase II data, GPS data or latitude-longitude data. In the Eastern District of Missouri, such information is often referred to as "precision location information" or "PLI" data. E-911 Phase II data provides relatively precise location information about the cellular telephone itself, either via GPS tracking technology built into the phone or by attempting to triangulate the device's signal using data from several of the provider's cell towers. Depending on the capabilities of the particular phone and provider, E-911 data can sometimes provide precise information related to the location of a cellular device.

In order to locate the **subject cellular telephone** and monitor the movements of the phone, the investigative agency(ies), and other authorized federal/state/local law enforcement agencies, may need to employ one or more techniques described in this affidavit and in the application of the government. The investigative agency(ies), and other authorized federal/state/local law enforcement agencies, may seek a warrant to compel AT&T, any telecommunication service providers reflected in Attachment 1, to include providers of any type of wire and/or electronic communications (herein incorporated by reference), and any other applicable service providers, to provide precision location information, including Global Position System information (if available), transactional records, including cell site location information, and pen register and trap-and-trace data.

None of the investigative techniques that may be employed as a result of the present application and affidavit require a physical intrusion into a private space or a physical trespass. Electronic surveillance techniques such as pen register and cell site location monitoring typically have not been limited to daytime use only. Furthermore, the criminal conduct being investigated is not limited to the daytime. Therefore, the fact that the present application requests a warrant based on probable cause should not limit the use of the requested investigative techniques to daytime use only. Accordingly, the investigative agency(ies), and other authorized federal/state/local law enforcement agencies, request the ability to employ these investigative techniques at any time, day or night.

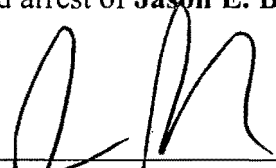
The monitoring of the location of the **subject cellular telephone** by one of the methods described herein will begin within ten (10) days of the date of issuance of the requested Warrant and Order.




**Conclusion**

Based on the above information, there is probable cause to believe that the **subject cellular telephone** is being used by **Jason E. BIERMANN**, who is charged Conspiracy to Distribute Methamphetamine, in violation of Title 21, United States Code, Section(s) 841(a)(1), in Case No. S-1 4:16 CR 00077 JAR (DDN), and whose whereabouts are currently unknown. There is likewise probable cause to conclude that locating and monitoring the movements of the **subject cellular telephone** will lead to the location and arrest of **Jason E. BIERMANN**.

6/3/2016  
DATE

  
\_\_\_\_\_  
Drew Polan  
Deputy United States Marshal  
United States Marshals Service

Sworn to and subscribed before me this 3rd day of June, 2016.

  
\_\_\_\_\_  
NANNETTE A. BAKER  
UNITED STATES MAGISTRATE JUDGE  
Eastern District of Missouri



**LIST OF TELECOMMUNICATION SERVICE PROVIDERS****AT&T****and**

01 Communications	Empire Paging	MCI Worldcom	Smart Beep Paging
Access Line Communication	Ernest Communications	Metro PCS	Smart City Telecom
ACN Communications	Echelon Telecommunications	Metro Teleconnect	Socket Telecom
ACS	EZ Talk Communications	Mid-Atlantic	South Central Bell
Aero Communications, Inc. (IL)	FDN Communications	Midvale Telephone Exchange	Sprint
Afford A Phone	Fibernet Comm	Midwest Wireless	Sprint Spectrum, L.P.
Airvoice Wireless	Florida Cell Service	Millington Telephone	SRT Wireless
Alaska Communications	Florida Digital Network	MLM Telecommunications	Star Telephone Company
Alhambra-Grantfx Telephone	Focal Communications	Mobile Communications	Start Wireless
AmeriTel	Frontier Communications	Mound Bayou Telephone Co.	Sugar Land Telephone
AOL Corp.	Gabriel Comm	Mountain Bell	Sure West Telephone Company
Arch Communication	Galaxy Paging	Mpower Communications	Talk America
AT&T	Global Communications	Navigator	Tele Touch Comm
AT&T Mobility	Global Crossing	Telecommunications	Telecorp Comm
Bell Aliant	Global Eyes Communications	NE Nebraska Telephone	Telepak
Big River Telephone	Global Naps	Netlink Comm	Telistire
Birch Telecom	Global Rock Network	Network Services	Telnet Worldwide
Blackberry Corporation	Grafton Telephone Company	Neustar	Tex-Link Comm
Brivia Communications	Grand River	Neutral Tandem	Time Warner Cable
Broadview Networks	Grande Comm	Nex-Tech/United Wireless	T-Mobile
Broadvox Ltd.	Great Plains Telephone	Nexus Communications	Total Call International
Budget Prepay	Harrington Telephone	NII Comm	Tracfone Wireless
Bulls Eye Telecom	Harrisonville Telephone Co.	North Central Telephone	Trinity International
Cable Vision	Heartland Communications	North State Comm	Triton PCS Company
Call Wave	Hickory Telephone	Northcoast Communications	U-Mobile
Cbeyond Inc.	Houston Cellular Telephone	Novacom	Unicel Cellular
CCPR Services	Huxley Communications	Ntera	United On-Line
Cellco Partnership, d/b/a Verizon Wireless	iBasis	N-Teleos Wireless	United States Cellular Corp.
Cellular One	IDT Corporation	NTS Communications	United Telephone of MO
Cellular South	Illinois Consolidated Communications	Oklahoma City SMSA	US Cellular
Centennial Wireless	Illinois Valley Cellular	ONSTAR	US Communications
CenturyLink	Insight Phone	Optel Texas Telecom	US LEC
Champaign Cellular	Integra	Orion Electronics	US Link
Charter Communications	Iowa Wireless	PacBell	US West Communications
Chickasaw Telephone	IQ Telecom	PacWest Telecom	USA Mobility
Choctaw Telephone Company	J2 Global Communications	PAETEC Communications	VarTec Telecommunications
Choice Net Comm.	Leap Wireless International	Page Plus Communications	Verisign
Cimco Comm	Level 3 Communications	Page Mart, Inc.	Verizon Telephone Company
Cincinnati Bell	Level One	Page Net Paging	Verizon Wireless
Cinergy Communications	Local Links Communications	Panhandle Telephone	Viaero Wireless
Citizens Utilities	Locus Communications	Peerless Network	Virgin Mobile
Clear World Communication	Logix Communications	Pineland Telephone	Vonage Holdings
Com-Cast Cable Comm.	Longlines Wireless	PhoneTech	Wabash Telephone
Comm South Companies	Los Angeles Cellular	PhoneTel	Weblink Wireless
Commercial Communications	Madison River	Preferred Telephone	Western Wireless
Consolidated Communications	Communications	Priority Communications	Westlink Communications
Conversent Communications	Madison/Macoupin Telephone Company	Puretalk	Windstream Communications
Cox Communications	Mankato Citizens Telephone	RCN Telecom	WinStar Communications
Cricket Wireless	Map Mobile Comm	RNK Telecom	Wirefly
Custer Telephone Cooperative	Marathon Comm	QWEST Communications	WISPNET, LLC
DBS Communications	Mark Twain Rural	Sage Telecom	World Comm
Delta Communications	Matrix Telecom, Inc.	SE All-Tel Comm	XO Communications
Detroit Cellular	Max-Tel Communications	Seren Innovations	Xspedius
Dobson Cellular	McCleod USA	Sigecom LLC	Yakdin Valley Telephone
Egyptian Telephone		Sky Tel Paging	YMAX Communications
Electric Lightwave, Inc.			Ztel Communications

**ATTACHMENT 1, TO INCLUDE PROVIDERS OF ANY TYPE OF WIRE AND/OR  
ELECTRONIC COMMUNICATIONS**

Last Update: 08/17/2015